

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THOMAS RAY RODRIGUEZ,

Plaintiff,

v.

No. 2:24-cv-0825-DLM

GRACE CHAVIRA,

Defendant.

MEMORANDUM OPINION AND ORDER
TRANSFERRING CASE TO THE WESTERN DISTRICT OF TEXAS

Plaintiff, who is proceeding *pro se*, is a citizen of New Mexico. (*See* Doc. 1 at 1.) Defendant, who is employed by “Texas CPS,” is a citizen of El Paso, Texas. (*See id.* at 1–2.) Plaintiff has sole custody of his two sons and asserts civil rights violations based on “CPS refusing to return my boys to me in New Mexico.” (*See id.* at 1–3 (stating “kids were removed from mother in Texas due to child abuse”).)

The statute governing venue in general states:

Venue in general.— A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or


(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. §1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district *shall* dismiss, or if it be in the interest of justice, transfer such case to

any district or division in which it could have been brought.” 28 U.S.C. § 1406(a) (emphasis added).

The Court concludes that the District of New Mexico is not a proper venue for this case because Defendant does not reside in the District of New Mexico and there are no allegations that any of the events or omissions giving rise to the claim occurred in the District of New Mexico. The Court transfers this case to the Western District of Texas because Defendant resides in the Western District of Texas and the events or omissions giving rise to this case occurred in the Western District of Texas.

IT IS ORDERED that this case is **TRANSFERRED** to the Western District of Texas.



DAMIAN L. MARTINEZ
UNITED STATES MAGISTRATE JUDGE